

# MICHIGAN SUPREME COURT



## *Office of Public Information*

contact: Marcia McBrien | (313) 972-3219 or (517) 373-0129

FOR IMMEDIATE RELEASE

### **PUBLIC ACCESS TO COURTS RULE APPROVED BY MICHIGAN SUPREME COURT**

LANSING, MI, January 22, 2003 – A court rule governing public access to Michigan court proceedings has been adopted by the Michigan Supreme Court, the Court announced today.

As amended by the Court, Michigan Court Rule (MCR) 8.116 states that in general “a court may not limit access by the public to a court proceeding.” Before limiting public access, the court must find that “a specific interest to be protected” outweighs the right of public access. The court must also find that “there is no less restrictive means to adequately and effectively protect the interest.” The court must also state “on the record the specific reasons for the decision to limit access to the proceeding.” The proposed rule would allow “any person” to challenge the court’s decision to limit public access.

The Court adopted the rule in the wake of a January 16 public hearing at the Michigan Hall of Justice. The new rule, which goes into effect on May 1, is based on a recommendation from the Michigan Press Association. The Order for Administrative File No. 2001-38 may be viewed on the Supreme Court’s web site at:

<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2001-38-012203.pdf>

The Court also adopted the following court rule amendments:

**Retained amendments of MCR 3.206, 3.214, 3.705, 3.706, 3.708, 5.982, and 8.119.** These amendments are aimed at making some court rules consistent with a group of domestic violence statutes, which took effect on April 1, 2002. The Court had already issued an order conforming the court rules to the legislation and has now decided to retain that order. At issue are procedures for granting, denying, and enforcing personal protection orders. The Order for Administrative File 2002-17 may be viewed on the Supreme Court’s web site at:

<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2002-17-012203.pdf>

**Amendments of MCR 7.203, 7.210, 7.211, 7.215, and 7.219.** These rules govern practice in the Michigan Court of Appeals. The changes include renaming a “motion for rehearing” a “motion for reconsideration,” and barring the Court of Appeals clerk from accepting late motions for reconsideration. The rule changes are also aimed at addressing an ambiguity about when an answer to a motion is due if the motion is accompanied by a request for immediate consideration. The Order for Administrative File No. 2001-48 may be viewed on the Supreme Court’s web site at:

<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2001-48-012203.pdf>

**Amendment of MCR 7.302 and 7.306.** These amendments expressly authorize the filing of reply briefs in the Michigan Supreme Court. The Order for Administrative File No. 2001-58 may be viewed on the Supreme Court's web site at:  
<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2001-58-012203.pdf>

**Retained amendment of State Bar Rule 15.** The Court retained a rule change that increased the size of the State Bar of Michigan Committee on Character and Fitness to 18 from 12 members. The Order for Administrative File 2002-35 may be viewed on the Supreme Court's web site at:  
<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2002-35-012203.pdf>.

In addition, the Court issued orders seeking public comment on the following proposed rules:

**Proposed amendment of State Bar Rule 4 (file no. 2002-38).** Attorneys who are licensed to practice in Michigan must pay dues to the State Bar of Michigan, including an assessment of \$100 to fund the attorney discipline system. The proposed rule would increase the discipline assessment to \$120 in October 2003 and by an additional \$5 for every year thereafter until the discipline assessment reaches \$140 in October 2007. The proposal would also add to State Bar dues a \$15 annual assessment for the Client Protection Fund. The fund, which is administered by the State Bar, reimburses clients whose funds are misappropriated by their lawyers. The State Bar's Representative Assembly is expected to consider a general dues increase for State Bar members at its February 22 meeting. The Order on Administrative File No. 2002-38 may be viewed on the Supreme Court's web site at:  
<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2002-38-012203.pdf>

**Proposed amendment of MCR 3.210 (file no. 2002-13).** This proposal would allow a judge in a custody case to interview a child "privately to determine if the child is of sufficient age to express a preference regarding custody, and if so, the reasonable preference of the child." The interview can be used only to establish the child's "reasonable preference" and cannot be applied to determine any other custody factor, the proposed rule provides. The judge would have discretion to record the interview, the proposal states. The Order on Administrative File No. 2002-13 may be viewed on the Supreme Court's web site at:  
<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2002-13-012203.pdf>

Comments on proposed rules may be sent to the Clerk of the Michigan Supreme Court by e-mail at [MSC\\_clerk@courts.mi.gov](mailto:MSC_clerk@courts.mi.gov), or in writing to Clerk's Office, Michigan Supreme Court, P.O. Box 30052, Lansing, MI 48909. Please refer to the proposed rule's file number. Comments will be posted on the Supreme Court's web site. For information about court rules and proposed amendments, go to <http://www.courts.michigan.gov/supremecourt/Resources/mcr/index.htm>. Before adopting proposed rules, the Court holds public hearings to give interested persons the opportunity to address the Court. The schedule and agendas for public hearings are posted on the Court's web site at <http://www.courts.michigan.gov/supremecourt>.

– MSC –